

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TENNESSEE, WESTERN DIVISION**

JOHN TORRI,

Plaintiff,

v.

No:

U.S. SPECIALTY INSURANCE COMPANY,

Defendant.

NOTICE OF REMOVAL

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE, WESTERN DIVISION

Pursuant to 28 U.S.C. §1441(a), *et. seq.*, Defendant, U.S. Specialty Insurance Company, files its Notice of Removal of this action from State Court to this Court and respectfully states as follows:

1. On March 1, 2007, Plaintiff John Torri ("Plaintiff"), commenced a civil action in the Circuit Court of Benton County, Tennessee ("the State Court") under the style *John Torri v. U.S. Specialty Insurance Company*, Cause No. 1572 ("the Civil Action"). The Civil Action is still pending in the State Court.

2. Defendant first received a copy of the Summons and Complaint in the Civil Action by service or otherwise on March 8, 2007, and the Summons and the Complaint, copies of which are attached as Exhibit "A", constitute all process, pleadings and orders served upon Defendant in the Civil Action to date.

3. The Civil Action is one of which this Court has diversity of citizenship jurisdiction pursuant to 28 U.S.C. §1332 and removal jurisdiction pursuant to 28 U.S.C. § 1441 in that: Subsection

(a) Plaintiff, both at the time of filing of the Civil Action and as of the date of the filing of this notice, was and is a citizen of the State of Tennessee.

(b) Defendant U.S. Specialty Insurance Company, at the time of the filing of the Civil Action and as of the date of filing this Notice, was and is a Texas company, with its principal place of business located in Texas. Therefore, U.S. Specialty Insurance Company is a citizen of the State of Texas.

(c) Diversity of citizenship exists between all parties properly joined, that they are citizens of different states, and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

4. This action is within the original jurisdiction of this Court pursuant to the provisions of 28 U.S.C. § 1332.

5. Defendant has filed this Notice prior to the expiration of thirty (30) days following receipt or otherwise of a copy of the Complaint.

6. Defendant will give written notice to Plaintiff and will file a Notice of Filing of Notice of Removal with the Clerk of the Circuit Court of Benton County, Tennessee. Defendant attached a copy of the Notice of Filing of Notice of Removal as Exhibit "B".

WHEREFORE, DEFENDANT PRAYS that the Civil Action now pending against it in the Circuit Court of Benton County, Tennessee be removed therefrom to this Court.

Respectfully submitted,

LEITNER, WILLIAMS, DOOLEY & NAPOLITAN, PLLC

s/Thomas P. Cassidy, Jr.
Thomas P. Cassidy, Jr., Esq. #13186
Attorney for Defendant
254 Court Avenue, Second Floor
Memphis, TN 38103
(901) 527-0214

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of April 2007, a copy of the foregoing electronically filed instrument was served on the parties listed below by first class mail, postage prepaid, unless said party is a registered CM/ECF participant who has consented to electronic notice and the Notice of Electronic Filing indicates that notice was electronically mailed to said party.

Terry Leonard, Esq.
P.O. Box 130
Camden, TN 38320

s/Thomas P. Cassidy, Jr.
Thomas P. Cassidy, Jr.